



**State Senator  
Kirk Watson  
District 14**

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*FOR IMMEDIATE RELEASE*

*CONTACT:* Kate Alexander, Office of Senator Kirk Watson: (512) 463-0114

## **Watson bills strengthen sexual assault laws to protect victims**

The sexual assault scandals at Baylor University and elsewhere have shown that many institutions of higher education — both public and private — have failed to take sexual assault as seriously as needed and treat the victims with respect and care they deserve.

In response, Sen. Kirk Watson of Austin has filed legislation that addresses significant legal questions about what constitutes consent for sexual activity. Other related bills protect victims and witnesses who report sexual assault.

Two of the bills filed Tuesday address weaknesses in how the law and institutions of higher education interpret consent for sexual activity:

**SB 967:** Closes several loopholes in the Penal Code's definition of "consent" for sexual assault and aggravated sexual assault in the following ways:

- Establishes that consent is lacking any time the actor knows the other person is incapable of appraising the nature of the act.
- States that consent is lacking if the actor persists after he/she knows that the other person has withdrawn consent.
- Removes as a defense the claim that the actor believed the other person consented if a reasonable person should have known or understood that consent was lacking.

**SB 970:** Requires an affirmative consent standard across all institutions of higher education.

Affirmative consent policies are extremely important in cases where the survivor was unconscious, incapacitated or drugged — such as in the case involving the Stanford swimmer that made national headlines last summer — and are important to ensure that these survivors can hold their perpetrators accountable.

" 'No' means no," Sen. Watson said. "But the absence of 'yes' should also mean no."

Chris Kaiser, director of public policy for the Texas Association Against Sexual Assault, said Sen. Watson's legislation "demands that we abandon outdated thinking about rape. Only when the law acknowledges survivors' real experiences of trauma, coercion, and stigma can it truly support survivors in their healing and recovery."

Three other bills address the reporting of sexual assault on campus:

**SB 966:** Protects minors who report sexual assault to health care providers, law enforcement personnel, or Title IX coordinators from being prosecuted for underage possession or consumption of alcohol.

**SB 969:** Provides amnesty to students who commit a student conduct code violation ancillary to a sexual assault incident if they are a victim of that sexual assault or a reporting witness.

**SB 968:** Requires institutions to provide an option to students and employees to electronically report an incident of sexual assault, family violence, or stalking. The electronic option must include the option to report anonymously.

"Sexual assault is a crime that happens to an alarming number of people and yet very few victims ever report this crime to law enforcement," Sen. Watson said. "These bills seek to encourage victims of sexual assault to report without fear of campus or law enforcement authorities penalizing them for minor alcohol related offenses or student conduct code violations that may have occurred ancillary to the incident."

Sofie Karasek, director of education and co-founder of End Rape on Campus, said Sen. Watson's legislation will make it easier for students to come forward and participate in investigations.

"For years, victims of sexual assault have been discouraged from reporting, fearing that their cases wouldn't be taken seriously, their assailants wouldn't be punished, or that they themselves could be penalized in cases involving alcohol or drugs," Karasek said. "These bills are a critical step forward in keeping Texas' students safe from sexual violence."

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